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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

JESSE ANDERSON,

Plaintiff,

v.

SUSAN JACKSON et al.,

Defendants.

) 3:16-cv-00537-MMD-VPC

) ORDER

)

)

This action is a *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983 by an individual who was in the custody of the Nevada Department of Corrections at the time he initiated this case. At the time Plaintiff initiated this case, Plaintiff submitted an application to proceed *in forma pauperis* for prisoners. (ECF No. 1). In this Court's July 24, 2017 screening order, the Court deferred a decision on the application to proceed *in forma pauperis*. (ECF No. 9 at 6). The screening order also imposed a 90-day stay and referred the case to the inmate early mediation program. (*Id.* at 7). Plaintiff filed a motion to opt out of mediation. (ECF No. 12). After holding a hearing on the matter, the Court granted Plaintiff's motion to opt out. (ECF No. 15).

The Court now denies the application to proceed *in forma pauperis* for prisoners (ECF No. 1) as moot because Plaintiff is no longer incarcerated. The Court directs Plaintiff to file an application to proceed *in forma pauperis* by a non-prisoner within thirty (30) days from the date of this order or pay the full filing fee of \$400.

For the foregoing reasons, IT IS ORDERED that:

1. Plaintiff's application to proceed *in forma pauperis* for prisoners (ECF No. 1) is DENIED as moot.

1           2.     The Clerk of the Court SHALL SEND Plaintiff the approved form application to  
2 proceed *in forma pauperis* by a non-prisoner, as well as the document entitled information and  
3 instructions for filing an *in forma pauperis* application.

4           3.     Within **thirty (30) days** from the date of this order, Plaintiff shall either: (1) file  
5 a fully complete application to proceed *in forma pauperis* for non-prisoners; or (2) pay the full  
6 filing fee of \$400.

7           4.     If Plaintiff does not timely comply with this order, dismissal of this action may  
8 result.

9           5.     The Clerk of the Court shall electronically **SERVE** a copy of this order and a copy  
10 of Plaintiff's complaint (ECF No. 10) on the Office of the Attorney General of the State of  
11 Nevada by adding the Attorney General of the State of Nevada to the docket sheet. This does  
12 not indicate acceptance of service.

13          6.     Service must be perfected within ninety (90) days from the date of this order  
14 pursuant to Fed. R. Civ. P. 4(m).

15          7.     Subject to the findings of the screening order (ECF No. 9), within **twenty-one  
(21) days** of the date of entry of this order, the Attorney General's Office shall file a notice  
16 advising the Court and Plaintiff of: (a) the names of the defendants for whom it accepts  
17 service; (b) the names of the defendants for whom it does not accept service, and (c) the  
18 names of the defendants for whom it is filing the last-known-address information under seal.  
19 As to any of the named defendants for whom the Attorney General's Office cannot accept  
20 service, the Office shall file, *under seal*, but shall not serve the inmate Plaintiff the last known  
21 address(es) of those defendant(s) for whom it has such information. If the last known address  
22 of the defendant(s) is a post office box, the Attorney General's Office shall attempt to obtain  
23 and provide the last known physical address(es).

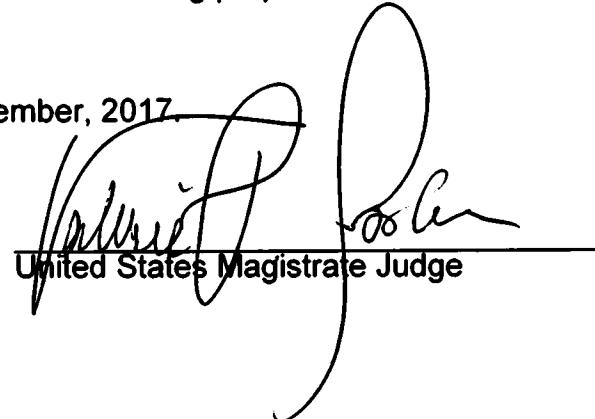
24          8.     If service cannot be accepted for any of the named defendant(s), Plaintiff shall  
25 file a motion identifying the unserved defendant(s), requesting issuance of a summons, and  
26 specifying a full name and address for the defendant(s). For the defendant(s) as to which the  
27 Attorney General has not provided last-known-address information, Plaintiff shall provide the

1 full name and address for the defendant(s).

2       9. If the Attorney General accepts service of process for any named defendant(s),  
3 such defendant(s) shall file and serve an answer or other response to the complaint within  
4 **sixty (60) days** from the date of this order.

5       10. Henceforth, Plaintiff shall serve upon defendant(s) or, if an appearance has been  
6 entered by counsel, upon their attorney(s), a copy of every pleading, motion or other document  
7 submitted for consideration by the Court. Plaintiff shall include with the original document  
8 submitted for filing a certificate stating the date that a true and correct copy of the document  
9 was mailed or electronically filed to the defendants or counsel for the defendants. If counsel  
10 has entered a notice of appearance, Plaintiff shall direct service to the individual attorney  
11 named in the notice of appearance, at the physical or electronic address stated therein. The  
12 Court may disregard any document received by a district judge or magistrate judge which has  
13 not been filed with the Clerk, and any document received by a district judge, magistrate judge,  
14 or the Clerk which fails to include a certificate showing proper service.

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16       DATED: This 22<sup>X</sup><sub>1</sub> day of September, 2017.

  
United States Magistrate Judge

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